

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

APR 29 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE APPEAL)
OF POWDER RIVER BASIN RESOURCE)
COUNCIL, BERNADETTE BARLOW,)
BERNADETTE BARLOW TRUST,)
WILLIAM L. BARLOW TRUST AND)
ERIC BARLOW FROM WYPDES)
PERMIT NO. WY0052299)

DOCKET NO. 09-3802

HEARING ORDER

The Environmental Quality Council will hear the Powder River Basin Resource Council's Motion for Summary Judgment on May 13, 2010 at the Wyoming State Library, 2800 Central Ave., Large Conference Room Cheyenne, Wyoming. The hearing will be heard at 1:30 P.M. All Parties shall have ten minutes each to present legal argument.

In accordance with the DEQ Rules of Practice and Procedure, Chapter 1, Section 6, "Unless otherwise agreed to by the parties and consented to by the Council, all hearings, including all testimony, shall be reported verbatim by a competent reporter. The compensation of such reporter shall be paid as required by law and as ordered by the Council. The Council may direct any party or parties to assume the cost of the transcript." If the Parties do not file a waiver to this section, the Parties should each pay one third of the costs of the transcript.

The Presiding Officer having reviewed the record and being fully advised in the premises,

IT IS HEREBY ORDERED

1. The hearing on Powder River Basin Resource Council's Motion for Summary Judgment on May 13, 2010 at the Wyoming State Library, 2800 Central Ave., Large Conference Room Cheyenne, Wyoming. The Parties shall have ten minutes each to present legal argument.
2. If the Parties have not filed a waiver on or before May 5, 2010 a court reporter will transcribe the hearing.
3. Each party shall assume one third the cost of the transcript and reporter.

DATED this 29th day of April, 2010.



Tom Coverdale, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

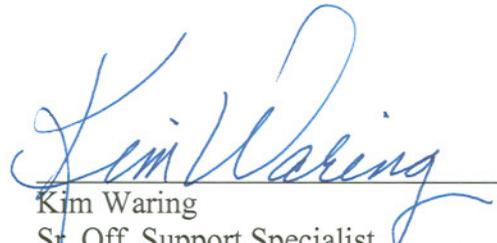
I, Kim Waring, certify that at Cheyenne, Wyoming, on the 29th day of April, 2010, I served a copy of the foregoing HEARING ORDER by electronic mail to the following:

Jack Palma
Holland & Hart, LLC
jpalma@hollandhart.com

Kate Fox
Mark Stewart
Attorneys for Protestants
Davis and Cannon, LLP
mark@davisandcannonchey.com

John Burbridge
Sr. Asst. Attorney General
jburb1@state.wy.us

John Corra
Director, DEQ
jcorra@wyo.gov



Kim Waring
Sr. Off. Support Specialist
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134